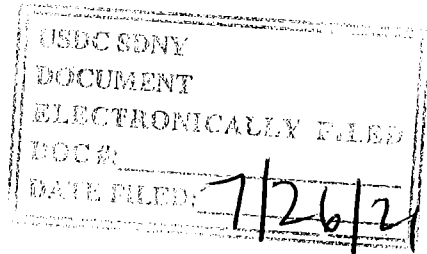


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
DENISE M. KNIGHT & ASSOCIATES, LLC, :  
and DENISE M. KNIGHT a/k/a DENISE :  
NIGHT, :  
Plaintiffs, :  
v. :  
GEM OFFICE TECHNOLOGIES LLC; GEM :  
OFFICE SOLUTIONS LLC; GEM CORP.; :  
KEVIN ALESSANDRO a/k/a KEVIN :  
D'ALESSANDRO; DMITRIOS PSARRAS :  
a/k/a DJ PSARRAS; TIAA COMMERCIAL :  
FINANCE, INC.; MARLIN BUSINESS :  
BANK; MANAGED BUSINESS :  
SOLUTIONS; and JOHN DOES 1-10, :  
Defendants. :  
-----X



**ORDER**

21 CV 4360 (VB)

Plaintiffs commenced this action on February 23, 2021, in the New York State Supreme Court, Westchester County (the “State Court”). On February 25, 2021, defendant Marlin Business Bank (“Marlin”) answered this action in the State Court. Subsequently, on April 16, 2021, defendant TIAA Commercial Finance, Inc. (“TIAA”), was served with a copy of the summons and complaint.

On May 15, 2021, TIAA removed this action to this Court by filing a notice of removal. (Doc. #1). In its notice of removal, TIAA noted Marlin had not clearly stated whether Marlin consented to removal of this action to this Court.

Pursuant to 28 U.S.C. § 1446(b)(2)(A), “[w]hen a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” (emphasis added).

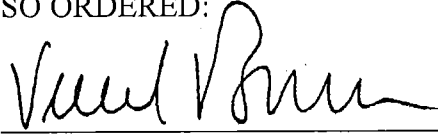
Today, on July 26, 2021, the Court held a telephone conference attended by counsel for plaintiffs, TIAA, and Marlin. Counsel for Marlin stated that Marlin did not consent to the removal of this action. Counsel for all parties present agreed the action should therefore be remanded to the State Court.

Accordingly, it is HEREBY ORDERED that this action is REMANDED to the New York State Supreme Court, Westchester County. The Court declines to order the payment of costs, expenses, or attorneys fees incurred as a result of the removal.

The Clerk is instructed to close this case. All other deadlines, conferences, or other scheduled court appearances are cancelled.

Dated: July 26, 2021  
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti  
United States District Judge